

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

SHAUGHN G. BOONE,

Petitioner,

v.

Case No. 2:13-cv-537
Judge Watson
Magistrate Judge King

WARDEN, MARION CORRECTIONAL
INSTITUTION,

Respondent.

REPORT AND RECOMMENDATION

This habeas corpus action under 28 U.S.C. § 2254 was dismissed for failure to prosecute on July 15, 2013. *Order*, Doc. No. 8. Final judgment was entered that same date. *Judgment*, Doc. No. 9. Under these circumstances, respondent's August 2, 2013 motion to dismiss the petition, Doc. No. 10, is moot.

It is therefore **RECOMMENDED** that respondent's motion to dismiss, Doc. No. 10, be denied as moot.

If any party seeks review by the District Judge of this *Report and Recommendation*, that party may, within fourteen (14) days, file and serve on all parties objections to the *Report and Recommendation*, specifically designating this *Report and Recommendation*, and the part thereof in question, as well as the basis for objection thereto. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). Response to objections must be filed within fourteen (14) days after being served with a copy thereof. Fed. R. Civ. P. 72(b).

The parties are specifically advised that failure to object to the *Report and Recommendation* will result in a waiver of the right to *de novo* review by the District Judge and of the right to appeal the decision of the District Court adopting the *Report and Recommendation*. See *Thomas v. Arn*, 474 U.S. 140 (1985); *Smith v. Detroit Fed'n of Teachers, Local 231 etc.*, 829 F.2d 1370 (6th Cir. 1987); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

September 6, 2013

s/ Norah McCann King
Norah McCann King
United States Magistrate Judge